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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,546	01/21/2004	Shuuji Yano	042043	8625

38834 7590 10/16/2006

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EXAMINER

VU, PHU

ART UNIT PAPER NUMBER

2871

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/760,546	Applicant(s) YANO ET AL.	
	Examiner Phu Vu	Art Unit 2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
 - 4a) Of the above claim(s) 18, 19, 22 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 20, 21 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some * c) ☐ None of:
 - 1. ☒ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I in the reply filed on July 12, 2006 is acknowledged.

Response to Arguments

Applicant's arguments filed 3/23/06 have been fully considered but they are not persuasive. Applicant argues that the reference teaches TAC as one example of a base film and does not satisfy the requirements of the differences in index of refraction in the X, Y and Z directions. However the reference merely states TAC being an example of a base material film and the reference states that an isotropic material is preferred. Therefore, where TAC is isotropic or not is irrelevant as isotropic materials are preferable to non-isotropic. This is further supported by the specification which recites a "polymethyl methacrylate" or acrylic which is isotropic as applicant claims an acrylic based resin as an exemplary isotropic base (see column 26 lines 25-38). Therefore, TAC is merely a single substrate material, which is suitable in the reference's invention however it is not ideal as it is not isotropic.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 7-17, 20-21 and 24 rejected under 35 U.S.C. 102(b) as being anticipated by Mazaki US 5491001.

Regarding claims 1, 5, 20 and 24, Mazaki teaches an optical film comprising: an optical compensation layer showing refractive index anisotropy satisfying a relationship $n_x^2 = n_y^2 > n_z^2$ (see column 31 lines 15-20) n_0 corresponds to the index of refraction in the z direction and N references the index of refraction in the X and Y directions Mazaki also teaches this laminated on a base material film with an isotropic property (see column 26 lines 30-32). Therefore the absolute differences between indices of refraction in (X and Y), (X and Z) and (Y and Z) will be zero which is less than .0003.

Regarding claims 3 –4 and 7-8, the reference teaches the optical compensation layer made of cholesteric liquid crystal, an organic material (see column 3 lines 53-67).

Regarding claim 9 – 10 and 15, the reference shows a polarizer laminated on either side of a compensator (see fig. 4a- 4e elements 1 and 4) therefore at least one must be formed / coated on the base side.

Regarding claim 11, the reference teaches the compensator for liquid crystal display (see title and abstract).

Regarding claims 12 – 14 and 16, the reference teaches the optical compensation layer is coated on and formed directly on the base material film side (see column 26 lines 25-35).

Regarding claims 17 and 21, the reference teaches polymethyl methacrylate as the base material film, which is an acrylic based resin (column 26 line 33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Mazaki.

Regarding claims 2 and 6, Mazaki teaches all the limitations of claims 2 and 6 except a film thickness of 10 micrometers or less. The reference teaches film thicknesses of .4 to 40 microns (see column 28 lines 23-25). However, the MPEP 2144.05 states "in the case where claimed ranges 'overlap or lie' inside ranges disclosed by the prior art' a prima facie case of obviousness exists." Therefore the claimed ranges are obvious over that of the prior art.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu Vu whose telephone number is (571)-272-1562. The examiner can normally be reached on 8AM-5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571)-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2871

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu Vu
Examiner
AU 2871


ANDREW SCHECHTER
PRIMARY EXAMINER